特許協力条約

REC'D	1.4	OCT	2004	
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特許性に関する国際予備報告(特許協力条約第二章)

(法第1·2条、法施行規則第56条) [PCT36条及びPCT規則70]・

出願人又は代理人 の害類記号 TAC-10PC	今後の手続きについては、様式PCT/IPEA/416を参照すること。
国際出願番号 PCT/JP03/14953	国際出願日 (日.月.年) 21.11.2003 (日.月.年) 22.11.2002
国際特許分類 (IPC) Int.Cl' A61K 48	//00, 41/00,9/107, 9/127, A61P1/02, 43/00, A61C19/06
出願人 (氏名又は名称) 立花 克郎	
1. この報告書は、PCT35条に基づ 法施行規則第57条 (PCT36条)	きこの国際予備審査機関で作成された国際予備審査報告である。 の規定に従い送付する。
2. この国際予備審査報告は、この表紙	を含めて全部で3 ページからなる。
3. この報告には次の附属物件も添付さ a 附属書類は全部で	
	礎とされた及び/又はこの国際予備審査機関が認めた訂正を含む明細書、請求の範 PCT規則70.16及び実施細則第607号参照)
第 I 欄 4. 及び補充欄に示 国際予備審査機関が認定し	したように、出願時における国際出願の開示の範囲を超えた補正を含むものとこの た差替え用紙
b 電子媒体は全部で 配列表に関する補充欄に示す ブルを含む。(実施細則第8	(電子媒体の種類、数を示す)。 ように、コンピュータ読み取り可能な形式による配列表又は配列表に関連するテー 02号参照)
4. この国際予備審査報告は、次の内容	を含む。
第IV欄 発明の単一性(※ 第V欄 PCT35条) けるための文章 第VI欄 ある種の引用:	生又は産業上の利用可能性についての国際予備審査報告の不作成 の欠如 (2)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付 献及び説明 文献
□ 第VII欄 国際出願の不信 第WI欄 国際出願に対	
国際予備審査の請求書を受理した日 12.05.2004	国際予備審査報告を作成した日 21.09.2004
名称及びあて先 日本国特許庁(IPEA/JF 郵便番号100-8915 東京都千代田区霞が関三丁目4	;
	·番3号

第 [掲	報告の基礎		
	国際予備審査報告は、下記に示す場合を除くほか	同陸川頭の言語を其磁	とした。
	この報告は、 語による翻訳文を	:基礎とした。	
· _	それは、次の目的で提出された翻訳文の言語であ アCT規則12.3及び23.1(b)にいう国際調査	ం.	
F] PCT規則12.4にいう国際公開	•	
F	」 FCT規則55.2又は55.3にいう国際予備審査	•	
L.	→		
2. 50)報告は下記の出願書類を基礎とした。(法第6条 上用紙は、この報告において「出願時」とし、この	を(PCT14条)の規定 SALEに添付していない	に基づく命令に必答するために従口されし
た差替え	と用紙は、この報音において「田嶼時」とし、この		'
. ×	出願時の国際出願書類		
$\overline{}$	明細書		•
	第ページ、	出願時に提出されたもの	
	第 ページ*、		付けで国際予備審査機関が受理したもの 付けで国際予備審査機関が受理したもの
	第 ページ*、		1977、四原が開省五級関が文型したもの
	請求の範囲		•
<u></u>	第	出願時に提出されたもの	は本地正されたもの
·	7.	PCT19条の規定に基	付けで国際予備審査機関が受理したもの
	第		付けで国際予備審査機関が受理したもの
	図面 ページ/図	出願時に提出されたもの	
			付けで国際予備審査機関が受理したもの
	第 ページ/図*、		付けで国際予備審査機関が受理したもの
_	配列表又は関連するテーブル		
L	配列表に関する補充欄を参照すること。	•	
		•	
。	補正により、下記の書類が削除された。		•
3	相正により、「品の音楽がらかんですった。		_
	□ 明細書 第		ページ
	□ 請求の範囲 第		項 ページ/図
	配列表(具体的に記載すること)		
	□ 配列表に関連するテーブル(具体的に記載	すること)	<u> </u>
	•	•	
4. [この報告は、補充欄に示したように、この報告	に添付されかつ以下に示し	した補正が出願時における開示の範囲を超
	えてされたものと認められるので、その補正が	されなかったものとしてイ	作成した。 (PCT規則70.2(c))
	· 明細書 第 · · · · · · · · · · · · · · · · · ·		ページ
	□ 閉球の範囲 第		項
	第 第	•	ページ/図
	□ 配列表(具体的に記載すること) □ 配列表に関連するテーブル(具体的に記載	せること)	
	□ 部列次に関連するノーノル(共平的に記収		
		•	
			· .
* 4	に該当する場合、その用紙に "superseded" と	記入されることがある。	
	•		

第V欄 新規性、進歩性又は産業」 それを裏付ける文献及び覧		ついての法第12条(PCT35条(2))に定める見解、	
1. 見解	•		
新規性(N)	請求の範囲 請求の範囲	3, 4 1, 2	· 有 無
進歩性(IS)	請求の範囲 請求の範囲	1-4	有 無
産業上の利用可能性(IA)	請求の範囲 請求の範囲	1-4	有 無

2. 文献及び説明 (PCT規則70.7)

文献1:中島 美砂子 等、超音波を用いたBMP遺伝子導入治療法による象牙質

再生、

日本歯科保存学雑誌、2002年10月、第45巻、第5号、第744-

752ページ

文献 2:EP 504881 A2(Tachibana, Katsuro)1992.09.23

文献 3: JP 5-78260 A(立花克郎)1993.03.30

10/535696

PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

A	(======================================	o and Rule 70)	
Applicant's or agent's file reference	EOD EUDEWS		
TAC-10PC	FOR FURTHER ACT	YON	See Form PCT/IPEA/416
International application No.	International filing date	(day/month/year)	Defector day of the
PCT/JP2003/014953	21 November 2003	3 (2.1 11 2003)	Priority date (day/month/year)
International Patent Classification (IPC) or n	ational classification and I	DC.	22 November 2002 (22.11.2002)
A61K 48/00, 41/00, 9/107, 9/12	7, A61P 1/02, 43/00, A6	FC 51C 19/06	
			
Applicant			
	TACHIBANA	, Katsuro	
1. This report is the international and	· · · · · · · · · · · · · · · · · · ·		
Authority under Article 35 and trans	mnary examination report, mitted to the applicant acc	established by this ording to Article 30	International Preliminary Examining
2. This REPORT consists of a total of			
3. This report is also accompanied by A	NNEXES, comprising:	rading this cover s	neer.
a. (sent to the applicant and	to the International Burea	u) a total of	sheets, as follows:
and/or sheets conta	nining rectifications author	ings which have be	en amended and are the basis of this report rity (see Rule 70.16 and Section 607 of the
sheets which super beyond the disclos	sede earlier sheets, but wh	nich this Authority	considers contain an amendment that goes
Supplemental Box.		production as incu, a	s indicated in item 4 of Box No. I and the
b (sent to the International	al Bureau only) a total	of (indicate typ	e and number of electronic carrier(s))
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4. This report contains indications relating			
Box No. I Basis of the repo			
Box No. II Priority			
Box No. III Non-establishme	ent of oninion with record	** ***********************************	
Box No. IV Lack of unity of	invention	to noverty, inventiv	e step and industrial applicability
Box No. V Reasoned statem	ent under Article 35(2) wi	th record to	y, inventive step or industrial applicability;
		statement	y, inventive step or industrial applicability;
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Certain observati	ons on the international ap	plication	
ate of submission of the demand	Date	of completion of t	his report
12 May 2004 (12.05.200			_
	"	21 Septe	ember 2004 (21.09.2004)
ame and mailing address of the IPEA/JP	Auti	norized officer	
acsimile No.	Tele	phone No.	

Form PCT/IPEA/409 (cover sheet) (January 2004)

Translation

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

Box No. I Basis of th	e report	PCT/JP2003/014953
otherwise indicated un	quage, this report is based on the international application in the later this item.	anguage in which it was filed, unless
	ased on translations from the original language into the followings of a translation furnished for the purpose of:	ing language
internation	al search (under Rules 12.3 and 23.1(b))	
publication	of the international application (under Rule 12.4)	
internation	al preliminary examination (under Rules 55.2 and/or 55.3)	
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the claims, No	5.	
the drawings, s	heets/figs	
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any table(s) rel	ated to sequence listing (specify):	
item 4 applies, some or al	l of those sheets may be marked "superseded."	
PCT/IPEA/409 (Box No	I) (January 2004)	
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/JP 03/14953

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Statement			
Novelty (N)	Claims	3, 4	YES
	Claims	1, 2	NO
Inventive step (IS)	Claims		YES
	Claims	1-4	NO
Industrial applicability (IA)	Claims	1-4	YES
	Claims		NO
Citations and explanations			====

Citations and explanations

Document 1: Misako NAKAJIMA et al., "Chouonpa wo Mochiita BMP Idenshi Dounyuu Chiryou-hou ni yoru Zougashitsu Sansei," Nihon Shika Hozongaku Zasshi, October 2002, Vol. 45, No. 5, pp. 744-752

EP 504881 A2 (Katsuro TACHIBANA), 23 Document 2: September 1992

Document 3: JP 5-78260 A (Katsuro TACHIBANA), 30 March 1993

Claims 1 and 2 make disclosures pertaining to a medicament that is introduced into a tooth or into periodontal tissue, wherein said medicament comprises a mixture of plasmid DNA or a medicament with fine bubbles which is introduced into a tooth or into periodontal tissue for therapeutic purposes by means of ultrasonic wave energy. Meanwhile, document 1 (abstract) discloses a medicament that is introduced into a tooth or into periodontal tissue, wherein said medicament comprises a mixture of a plasmid with a BMP gene attached thereto with Optison (the echo contrast agent that is used in the invention set forth in the present application) which is introduced into a tooth or into periodontal tissue for therapeutic purposes by means of ultrasonic wave energy.

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Consequently, the invention that is set forth in claims 1 and 2 lacks novelty in the light of the disclosures of document 1.

Claims 3 and 4 make disclosures pertaining to a device for introducing a medicament into periodontal tissue, which is equipped with an ultrasonic wave generation unit with a detachable ultrasonic wave generation part provided to the tip thereof and a medicament extrusion unit for supplying a medicament to a target site, and specifically make disclosures pertaining to a device which is equipped with a means for adjusting the ultrasonic waves that are generated by the ultrasonic wave generation unit and an operation device that is capable of selecting the direction in which the ultrasonic waves are generated. Furthermore, the configurations in question are not disclosed in document 1. However, document 2 (abstract and fig. 2) and document 3 (abstract and fig. 2 and 4) disclose devices for introducing a medicament into periodontal tissue, which are used to administer a medicament that is introduced into a target site for therapeutic purposes by means of ultrasonic wave energy, wherein said devices are equipped with an ultrasonic wave generation unit with an ultrasonic wave generation unit provided to the tip thereof and a unit for supplying a medicament to a target site. Therefore, it would be obvious to a person skilled in the art to apply the devices for introducing a medicament into periodontal tissue that are disclosed in documents 2 and 3, which are used to administer a medicament that is introduced into a target site for therapeutic purposes by means of ultrasonic wave energy, in combination with the mixture that is disclosed in document 1, which is introduced into a tooth or into periodontal tissue for therapeutic purposes by means of ultrasonic wave energy. In addition, it would also be obvious to a person skilled in the art

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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that it would be possible to select a configuration wherein it is possible to detach the ultrasonic wave generation part, a configuration wherein an extrusion device is employed as the device for supplying a medicament and a configuration that is provided with an ultrasonic wave adjustment means and an operation device that is capable of selecting the direction in which the ultrasonic waves are generated, as appropriate, when introducing a medicament by means of ultrasonic waves. Consequently, the invention that is set forth in claims 3 and 4 does not involve an inventive step.